

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

EHlich *et al.*

Appl. No.: 10/594,177 (U.S. National
Phase of PCT/EP2004/007529)

Int'l Filing Date: July 8, 2004

For: **Secreted Proteins as Markers for
Cell Differentiation**

Confirmation No.: 5698

Art Unit: 1632

Examiner: *To Be Assigned*

Atty. Docket: 2590.0050002/EJH/SAC

**Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop PCT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. § 1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Copies of documents **FP1** to **FP3**, **NPL1** to **NPL12**, and **NPL15** are submitted. However, copies of the U.S. patent application publications cited on the attached Form PTO/SB/08A, documents **US1** and **US6**, are not submitted in accordance with 37 C.F.R. § 1.98(a)(2). In addition, copies of documents **NPL13** and **NPL14** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

The document **FP3** was cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report, document **NPL12**, that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

The Examiner's attention is directed to the following co-pending Patent Applications, which are directed to related technical subject matter:

U.S. Non-Provisional Patent Application No. 10/451,816, U.S. National Phase of PCT/EP2001/015337, Int'l Filing Date December 27, 2001, published on May 20, 2004 as US 2004/0096432, cited herewith as document **US3**; and

U.S. Non-Provisional Patent Application No. 11/293,932, Filing Date December 5, 2005, published on July 27, 2006 as US 2006/0168665, cited herewith as document **US4**; and

U.S. Non-Provisional Patent Application No. 10/561,780, U.S. National Phase of PCT/EP2004/006698, Int'l Filing Date June 21, 2004, published on November 8, 2007 as US 2007/0258948, cited herewith as document **US5**; and

U.S. Non-Provisional Patent Application No. 10/594,188, U.S. National Phase of PCT/EP2004/007530, Int'l Filing Date July 8, 2004, published on January 24, 2008 as US 2008/0019952, cited herewith as document **US6**; and

U.S. Non-Provisional Patent Application No. 11/547,871, U.S. National Phase of PCT/EP2005/003662, Int'l Filing Date April 7, 2005, NOT YET PUBLISHED, cited herewith as document **NPL13**; and

U.S. Non-Provisional Patent Application No. 11/596,262, U.S. National Phase of PCT/EP2005/005087, Int'l Filing Date May 11, 2005, NOT YET PUBLISHED, cited herewith as document **NPL14**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

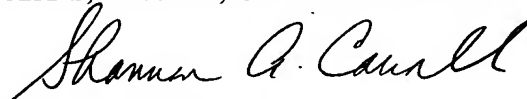
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

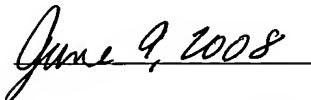
Respectfully submitted,

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